

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 1317 of 2002 (S/B)

Haridutt Upadhyaya

..... Petitioner

Versus

State of U.P. & others

..... Respondents

Mr. Subhash Upadhyay, learned Advocate for the petitioner.

Mr. A.N. Sharma, learned Counsel for the respondents No. 2 & 3.

Hon'ble P.C. Verma, A.C.J.

The writ petition has been filed by the petitioner seeking a writ of mandamus to command the respondents to pay post retrieval dues to the petitioner.

Head Mr. Subhash Upadhyaya, learned counsel for the petitioner and Mr. A.N. Sharma, learned counsel for the respondents No. 2 & 3.

Petitioner has specifically stated in the writ petition that a sum of Rs. 3,76,000/- including the salary and other dues is to be paid to the petitioner by the Department. The petition was filed in the year 2002. A Counter affidavit has been filed on behalf of respondent No. 3, in which there is no denial of the post retrieval dues of the petitioner. It has only been stated that due to financial constraints, the Uttaranchal State Road Transport Corporation is not in a position to pay the dues to the petitioner. This cannot be a defence for non-payment of post retrieval dues.

Therefore, the Managing Director, Uttaranchal Road Transport Corporation is directed to release the post retrieval dues of the petitioner within a period of six months from today along with 6% per annum interest.

Accordingly, the writ petition is disposed of. No order as to costs.

(P.C. Verma, A.C.J.)

Dt. 17.06.2004

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